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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/746,757 | 12/21/2000 | Derek L. Collison | 002982.P005 | 1001 |

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| EXAMINER | |
|---|---|
| EL HADY, NABIL M | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2154 | |

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/746,757 | COLLISON, DEREK L. | |
| | Examiner | Art Unit | |
| | Nabil M El-Hady | 2154 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *25 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-35 are pending in this application.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-6, 8-12, 14-19, 21-25, 27-30, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman et al. (US 5,136,501), hereafter "Silverman".

4. As to claim 1, Silverman discloses the invention substantially as claimed including a method comprising: receiving, from a client computer, a point-to-point request message (col. 15, lines 4-6; XACT 30, Fig. 1; and XACT 120, Fig. 6); converting the point-to-point request message to a subject-based message (col.8, lines 53-55; and col. 15, lines 19-42); multicasting the subject-based message (col. 7, lines 45-48; col. 8, lines 46-49; 34, Fig. 1; and 132, Fig. 6); receiving a response to the subject-based message (col. 8, line 67 to col. 9, line10); converting the response to the subject-based message to a point-to-point response message (col. 9, lines 18-26); and transmitting the point-to-point response message back to the client computer (col. 8, lines 23-28; and col. 9, lines 18-26).

5. Silverman discloses broadcasting the subject-based message. However, it would have been obvious to one skilled in the art at the time of the invention to modify Silverman's system and multicast the message to certain group (buyers and sellers) who are qualified based on specified criteria instead of broadcasting the message to all. This would result in faster message transmission by decreasing the load on the communication network.

6. As to claim 14, the claim is rejected for the same reasons as claim 1 above. In addition, a machine-readable medium that provides instructions, which when executed by a processor, cause said processor to perform operations comprising: receiving, from a client computer, a point-to-point request message; converting the point-to-point request message to a subject-based message; multicasting the subject-based message; receiving a response to the subject-based message; converting the response to the subject-based message to a point-to-point response message; and transmitting the point-to-point response message back to the client computer, is inherent in Silverman's disclosure.

7. As to claim 27, the claim is rejected for the same reasons as claim1above. In addition, Silverman discloses an application server coupled to a network (24b, Fig. 6; and col. 14, lines 47-52), the application server comprising: a database having data (110, 114, Fig. 6); a processor coupled to the database (obvious), the processor to process subject-based messages received from a server (20, Fig. 6; col. 7, lines 45-48; col. 8, lines 46-49; 34, Fig. 1; and 132, Fig. 6), the subject-based messages to include requests for data content wherein the subject-based messages are generated from point-to-point messages received from a client computer (24a, Fig. 6; col. 14, lines 47-52; and XACT 120, Fig. 6), the processing including: listening for a subject-based request message being received from the network (col. 7, lines 45-48; col. 8, lines 46-49; 34, Fig. 1; and 132, Fig. 6); extracting portions of the data in the database based on the request in the subject-based message; generating a subject-based response message that includes the portions of the data extracted from the database; and transmitting the subject-based response message back to the server (col. 8, line 67 to col. 9, line10; col. 8, lines 23-28 ;and col. 9, lines 18-26).

8. As to claim 8, the claim is rejected for the same reasons as claim 1 above. In addition, Silverman discloses a method for processing a point-to-point request, the method comprising: receiving, from a client computer, the point-to-point request (col. 15, lines 4-6; XACT 30, Fig. 1; and XACT 120, Fig. 6); converting the point-to-point request to a subject-based message (col.8, lines 53-55; and col. 15, lines 19-42); multicasting the subject-based message to a number of application servers across a network (col. 7, lines 45-48; col. 8, lines 46-49; 34, Fig. 1; and 132, Fig. 6); receiving a response to the subject-based message from one of the number of application servers (col. 8, line 67 to col. 9, line10); extracting content from the response and generating a point-to-point response using the content from the response (col. 9, lines 18-26); and sending the point-to-point response back to the client computer (col. 8, lines 23-28 ;and col. 9, lines 18-26).

9. Silverman does not disclose the point-to-point request based on Hypertext Transfer Protocol (HTTP). However, it would have been obvious to one skilled in the art at the time of the invention to use the well-known HTTP as the conventional protocol used for communication between different components in the network.

10. As to claim 21, the claim is rejected for the same reasons as claim 8 above. In addition, a machine-readable medium that provides instructions for processing a point-to point request which when executed by a processor, cause said processor to perform operations comprising: receiving, from a client computer, the point-to-point request; converting the point-to-point request to a subject-based message; multicasting the subject-based message to a number of application servers across a network; receiving a response to the subject-based message from one of the number of application servers; extracting content from the response;

generating a point-to-point response using the content from the response; and sending the point-to-point response back to the client computer, is inherent in Silverman's disclosure.

11. As to claim 32, the claim is rejected for the same reasons as claims 1, 8, and 27 above. In addition, Silverman discloses a system comprising: a server coupled to a network (20, 22, Fig. 1), the server to receive a point-to-point request message and to process the point-to-point request message (col. 15, lines 4-6; XACT 30, Fig. 1; and XACT 120, Fig. 6), the processing of the point-to-point request message including: converting the point-to-point request message to a subject-based message (col.8, lines 53-55; and col. 15, lines 19-42); multicasting the subject-based message (col. 7, lines 45-48; col. 8, lines 46-49; 34, Fig. 1; and 132, Fig. 6); receiving a response to the subject-based message (col. 8, line 67 to col. 9, line10); converting the subject-based message to a point-to-point response message (col. 9, lines 18-26); and transmitting the point-to-point response message back (col. 8, lines 23-28; and col. 9, lines 18-26); and a number of application servers coupled to the network (24b, Fig. 6; and col. 14, lines 47-52), each of the number of application servers comprising: a database having data (110, 114, Fig. 6); a processor coupled to the database (obvious), the processor to process subject-based messages received from the server (20, Fig. 6; col. 7, lines 45-48; col. 8, lines 46-49; 34, Fig. 1; and 132, Fig. 6), the processing of the subject-based message including: listening for a subject-based request message being received from the network (col. 7, lines 45-48; col. 8, lines 46-49; 34, Fig. 1; and 132, Fig. 6); extracting portions of the data in the database based on the request in the subject-based message; generating a subject-based response message that includes the portions of the data extracted from the database; and transmitting the subject-based response message back to the server (col. 8, line 67 to col. 9, line10; col. 8, lines 23-28 ;and col. 9, lines 18-26).

12. Silverman does not disclose the point-to-point request based on Hypertext Transfer Protocol (HTTP) from a web browser. However, it would have been obvious to one skilled in the art at the time of the invention to use the well-known HTTP as the conventional protocol used for communication between different components in the network, and to use well-known browser to facilitate this communication.

13. As to claims 2, 9, 15, 22, and 29, Silverman discloses assigning a reply subject to the subject-based message (col. 9, lines 2-4).

14. As to claims 3, 16, and 28, Silverman does not disclose the point-to-point request message is based on Hypertext Transfer Protocol. However, it would have been obvious to one skilled in the art at the time of the invention to use the well-known HTTP as the conventional protocol used for communication between different components in the network, and to use well-known browser to facilitate this communication.

15. As to claims 4, 5,10, 11, 17, 18, 23, 24, and 34, Silverman does not disclose the subject-based message denotes a group of subscribers to receive the subject-based message. However, it would have been obvious to one skilled in the art at the time of the invention to modify Silverman's system and multicast the message to certain group (buyers and sellers) who are qualified based on specified criteria instead of broadcasting the message to all. This would result in faster message transmission by decreasing the load on the communication network. It would have been obvious to one skilled in the art at the time of the invention that in such communication network this grouping can be always dynamic.

16. As to claims 6, 12, 19, 25, and 30, Silverman discloses the subject-based message is independent of an identity of a recipient (the title).

17. Claims 7, 13, 20, 26, 31, 33, and 35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman et al. (US 5,136,501), hereafter "Silverman" in view of Cantone et al. (US 6,351,761), hereafter "Cantone".

18. As to claims 7, 13, 20, 26, 31, and 35, Silverman does not disclose the subject-based message is independent of a protocol used by a recipient of the subject-based message. Cantone, on the other hand, discloses the subject-based message is independent of a protocol used by a recipient of the subject-based message (101, 101', Fig. 1). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Silverman and Cantone because Cantone's protocol independence would provide a more flexible communication that result in enhancing the functionality of the system .

19. As to claim 33, Cantone discloses a distributed queue, the distributed queue to receive the subject-based message from the server, wherein one of the number of application servers schedules which of the application servers are to process the subject-based message received in the distributed queue (120, Fig. 1).

20. Applicant's arguments filed 10/25/2004 have been fully considered but they are not persuasive. Therefore the rejection of claims 1-35 is maintained. .

21. In the remarks, applicants argued in substance that Silverman (1), does not disclose receiving point-to-point message, and (2) does not convert the point-to-point request message to a subject-based message.

22. Examiner respectfully traverses applicants' remarks.

23. As to pint (1), Silverman discloses direct messages communicated between the client the client site or workstation and the central system (col. 15, lines 3-7). Silverman may not explicitly disclose the manner in which messages are communicated other than "direct communication". However, point-to-point communication is not new in the art, and it would have been obvious to one skilled in the art at the time of the invention to use a communication link protocol such as PPP in order to provide greater protection for data integrity and security.

24. As to point (2), it is inherent in Silverman disclosure (col. 15, lines 30-42) that a matching and response process is subject-based, that is a received message is converted to subject-based request in order for matching to take place and respond to the client side stations.

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 4, 2005

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Art Unit 2154